

Notice of Agency Rule-making Proposal

AGENCY: Department of Environmental Protection

RULE TITLE OR SUBJECT: Chapter 305 Permit by Rule Standards

PROPOSED RULE NUMBER:

CONCISE SUMMARY: A number of substantial amendments are proposed in response to law changes and a review of the Permit by Rule (PBR) program. One is to allow the department discretionary authority to require an individual permit under the Natural Resources Protection Act (NRPA) for an activity qualifying for PBR if there is concern that it could cause significant environmental impact. Also proposed is to require an individual permit for any project involving multiple submerged utility or stream crossings: PBR will be limited to projects consisting of only a single crossing.

Proposed restrictions have been added throughout the rule that limit PBR approval to only those activities that comply with other department laws (specifically the Site, Stormwater and NRPA laws) and local shoreland zoning ordinances. Another restriction would not allow a PBR to become effective until permits are obtained under the Site Location of Development and Storm Water Management Laws, if those laws apply. For a number of activities, the applicant must receive, and submit proof of, approval of the timing of the activity from other state agencies, such as the Department of Marine Resources, depending on the type, timing, and location of the activity (forms will be developed for use by the applicant). Also, for activities allowed under Section 2 Soil Disturbance and Section 10 Stream Crossings, it is proposed to waive the 14 day waiting period if the activity is performed or supervised by an individual certified by the department in erosion control practices through the Voluntary Contractor Certification Program.

Additional "Notes" have been added to guide applicants about other agencies' authorities over their activity or exemptions that may be available under the NRPA. Some standards have been modified, requiring more specific actions on the applicant's part to ensure no or minimal impact from the activity. For a complete list of proposed amendments and copies of the rule, contact the person listed below.

THIS RULE WILL__ WILL NOT X HAVE A FISCAL IMPACT ON MUNICIPALITIES

STATUTORY AUTHORITY: 38 MRSA Sections 341-D(1) and 480-H

PUBLIC HEARING: Weds., April 14, 1999 at 1:30 p.m.

Holiday Inn/Ground Round
110 Community Drive
Augusta, ME 04330

DEADLINE FOR COMMENTS: April 26, 1999

AGENCY CONTACT PERSON: Mike Mullen
AGENCY NAME: Department of Environmental Protection
ADDRESS: Bureau of Land & Water Quality
17 State House Station
Augusta, ME 04333

TELEPHONE: (207) 287-4728

Please approve bottom portion of this form and
assign appropriate MFASIS number.

APPROVED FOR PAYMENT _____ DATE: _____

FUND	AGENCY	ORG	APP	JOB	OBJT	AMOUNT
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(WMAPA3-REGS)(3/94)